



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,085	03/24/2004	John Ratzloff	1282.1101101	5362

28075 7590 01/11/2008
CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

EXAMINER

CULLER, JILL E

ART UNIT	PAPER NUMBER
----------	--------------

2854

MAIL DATE	DELIVERY MODE
-----------	---------------

01/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,085

Applicant(s)

RATZLOFF, JOHN

Examiner

Jill E. Culler

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 6,071,030) in view of Truc et al. (4,911,777)

With respect to claim 3, Hunter et al. teaches a method of preserving a printed image. As illustrated in Figure 5, Hunter teaches the step of providing an assembly, 110, of a blank sheet, 116, and a hinge strip, 114. (See also column 6, lines 52-6) Figure 5 further shows the hinge strip including a mounting strip, 122, for mounting the hinge strip to an album, and a connecting strip, 124. Figure 11 teaches the step of sending the assembly through a printer to print a photographic image on the blank sheet. Hunter et al. further teaches the step of mounting the assembly in an album using the mounting strip. (See column 1.)

Hunter et al. does not teach that the hinge strip includes first and second connecting strips, formed of a dissimilar material from the mounting strip, the mounting strip spaced apart by a gap from the edge of the blank sheet, the first connecting strip attached to the mounting strip and the blank sheet along a first side of the blank sheet, and the second connecting strip attached to the mounting strip and the blank sheet

Art Unit: 2854

along a second side of the blank sheet and spanning the gap between the mounting strip and the blank sheet.

Truc et al. teaches an assembly for mounting in an album including a sheet, 12, and a hinge strip, 44, which includes a mounting strip, 48, and first and second connecting strips, 52, 53, formed of a dissimilar material from the mounting strip, the mounting strip spaced apart from the edge of the sheet by a gap, 50, the first connecting strip attached to the mounting strip and the blank sheet along a first side of the blank sheet, and the second connecting strip attached to the mounting strip and the blank sheet along a second side of the blank sheet and spanning the gap between the mounting strip and the blank sheet. See column 4, lines 1-16 and Fig. 6 in particular.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the assembly of Hunter et al. to have the gap and connecting strips, as taught by Truc et al., in order to more securely and durably assemble the two pieces.

With respect to claim 7, Figure 11 of the primary reference Hunter et al. shows the step of sending the blank sheet and attached mounting strip through the printer to print an image on the sheet, such that the image becomes integral with the paper.

With respect to claim 8, Figure 11 of the primary reference Hunter et al. shows the step of sending the blank sheet and attached mounting strip through a desktop digital printer. Column 5 lines 61-66 teach the use of a digital printer.

With respect to claim 9, the primary reference Hunter et al. teaches mounting holes 122.

Art Unit: 2854

3. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 6,071,030) in view of Truc et al. (US 4,911,777) as applied to claims 3 and 7-9 above, and further in view of Tyler (US 4,207,366).

As outlined above, Hunter et al. and Truc et al. teach all the claimed method steps, except the composition of the photo-grade sheet is not known.

With respect to claims 4 and 6, column 1 lines 35-54 of Tyler teach paper for printing, the paper comprising 100% cotton rag paper. Column 1 lines 35-54 also teach the use of neutral (acid-free) paper.

To one of ordinary skill in the art, it would have been obvious to use the paper taught by Tyler, in the method of Hunter et al. and Truc et al. in order to provide dimensionally stable crush resistant paper, as taught in the abstract of Tyler.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 6,071,030) in view of Truc et al. (US 4,911,777) as applied to claims 3 and 7-9 above, and further in view of Singh et al. (US 6,332,953).

As outlined above, Hunter et al. and Truc et al. teach all the claimed method steps, except the composition of the paper is not known.

Column 2 lines 48-50 of Singh teach paper for printing, the paper being unbleached and uncoated.

To one of ordinary skill in the art, it would have been obvious to use the unbleached and uncoated paper of Singh et al., in the method of Hunter et al. and Truc

et al., because paper of this composition has been routinely used for printing purposes, as taught in column 2 of Singh et al.

5. Claims 10-11 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 6,071,030) in view of Truc et al. (4,911,777) and Emmel et al. (5,683,194).

With respect to claims 10 and 11, Hunter et al. teaches a method of preserving a printed image. As illustrated in Figure 5, Hunter teaches the step of providing an assembly, 110, of a blank, photo-printable sheet, 116, and a hinge strip, 114. (See also column 6, lines 52-6) Figure 5 further shows the hinge strip including a mounting portion, 122, including a plurality of mounting holes, for mounting the mounting strip to an album. Figure 11 teaches the step of sending the assembly through a printer to print a photographic image on the blank sheet. Hunter et al. further teaches the step of mounting the assembly in an album using the hinge strip. (See column 1.)

Hunter et al. does not teach that the mounting strip is spaced apart by a gap from the edge of the blank sheet and connected by connecting strips thereto, the connecting strips formed of a flexible, polymeric film.

Truc et al. teaches an assembly for mounting in an album including a sheet, 12, and a mounting strip, 44, spaced apart from the edge of the sheet by a gap, 50, and connected by connecting strips thereto. See column 4, lines 1-16 and Fig. 6 in particular.

Emmel et al. teaches a mounting strip, 10, for mounting a sheet in an album including connecting strips, 11, formed of a flexible, polymeric film. See column 3, lines 1-9.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the assembly of Hunter et al. to have the gap and connecting strips, as taught by Truc et al., and to form the strips from a polymeric film, as taught by Emmel et al., in order to more securely and durably assemble the two pieces.

With respect to claims 15-16, although Hunter et al., Truc et al. and Emmel et al. do not explicitly teach the gap having a width in the range of about 0.375 inches, one having ordinary skill in the art would find it obvious that width of the gap would be dependent upon the relative sizes of the sheets and hinge strips and therefore the optimum size could best be determined through routine experimentation.

With respect to claims 17-18, although Hunter et al., Truc et al. and Emmel et al. do not explicitly teach the use of a photo-grade material, the applicant should note that insofar as structure is defined, the printer paper sheet 110 of Hunter meets this limitation, as a photo of good quality may be printed on the sheet. Furthermore the term photo-grade paper as broadly recited, does not define a cut-off requirement as to what quality of photo is enough to meet this limitation.

With respect to claim 19, Hunter et al. teaches providing a blank sheet, 116, and positioning a mounting strip, 122, along an edge of the blank sheet, the mounting strip including a plurality of mounting holes for mounting the assembly in a photo album. See column 6, lines 52-6.

Hunter et al. does not teach positioning the mounting strip spaced apart by a gap from the edge of the blank sheet, adhesively attaching a first connecting strip formed of a flexible polymer film along a first side of the blank sheet and adhesively attaching the first connecting strip to the mounting strip, such that the first connecting strip spans the gap between the mounting strip and the blank sheet.

Truc et al. teaches providing a sheet, 12, and a mounting strip, 44, positioning the mounting strip spaced apart from the edge of the sheet by a gap, 50, adhesively attaching a first connecting strip, 52, along a first side of the blank sheet, and attaching the first connecting strip to the mounting strip, such that the first connecting strip spans the gap between the mounting strip and the blank sheet. See column 4, lines 1-16 and Fig. 6 in particular.

Emmel et al. teaches a mounting strip, 10, for mounting a sheet in an album including connecting strips, 11, formed of a flexible, polymeric film. See column 3, lines 1-9.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the method of Hunter et al. to include the steps of positioning the mounting strip spaced apart from the edge of the blank sheet and attaching a flexible connecting strip made of a polymeric film, as taught by Emmel et al., to the sheet and to the mounting strip such that the connecting strip spans the gap between them, as taught by Truc et al., in order to more securely and durably assemble the two pieces.

It should be noted that although Truc et al. does not explicitly teach attaching the first connecting strip to the mounting strip adhesively, one having ordinary skill in the art

Art Unit: 2854

would find it obvious to apply the adhesive attachment method of the connecting strip and the blank sheet to attaching the connecting strip and the mounting strip in order to provide a more flexible method of attachment. It should also be noted that although Hunter et al., Truc et al. and Emmel et al. do not explicitly teach the use of a photo-grade material, the applicant should note that insofar as structure is defined, the printer paper sheet 110 of Hunter meets this limitation, as a photo of good quality may be printed on the sheet. Furthermore the term photo-grade paper as broadly recited, does not define a cut-off requirement as to what quality of photo is enough to meet this limitation.

With respect to claim 20, Hunter et al. does not teach adhesively attaching a second connecting strip formed of a flexible polymer film along a second side of the blank sheet and adhesively attaching the second connecting strip to the mounting strip, such that the second connecting strip spans the gap between the mounting strip and the blank sheet.

Truc et al. teaches providing a sheet, 12, and a mounting strip, 44, positioning the mounting strip spaced apart from the edge of the sheet by a gap, 50, adhesively attaching a second connecting strip, 53, along a second side of the blank sheet, and attaching the second connecting strip to the mounting strip, such that the second connecting strip spans the gap between the mounting strip and the blank sheet. See column 4, lines 1-16 and Fig. 6 in particular.

Emmel et al. teaches a mounting strip, 10, for mounting a sheet in an album including connecting strips, 11, formed of a flexible, polymeric film. See column 3, lines 1-9.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the method of Hunter et al. to include the steps of attaching a flexible connecting strip made of a polymeric film, as taught by Emmel et al., to the sheet and to the mounting strip such that the connecting strip spans the gap between them, as taught by Truc et al., in order to more securely and durably assemble the two pieces.

It should be noted that although Truc et al. does not explicitly teach attaching the second connecting strip to the mounting strip adhesively, one having ordinary skill in the art would find it obvious to apply the adhesive attachment method of the connecting strip and the blank sheet to attaching the connecting strip and the mounting strip in order to provide a more flexible method of attachment.

6. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 6,071,030) in view of Truc et al. (US 4,911,777) and Emmel et al. (5,683,194) as applied to claims 10-11 and 15-20 above, and further in view of Tyler (US 4,207,366).

As outlined above, Hunter et al., Truc et al. and Emmel et al. teach all the claimed method steps, except the composition of the photo-grade sheet is not known.

With respect to claims 4, 6, and 13, column 1 lines 35-54 of Tyler teach paper for

printing, the paper comprising 100% cotton rag paper. Column 1 lines 35-54 also teach the use of neutral (acid-free) paper.

To one of ordinary skill in the art, it would have been obvious to use the paper taught by Tyler, in the method of Hunter et al., Truc et al. and Emmel et al. in order to provide dimensionally stable crush resistant paper, as taught in the abstract of Tyler.

With respect to claim 14, and the requirement for an acid free hinge strip, column 1 lines 48-54 teach the importance of neutral (acid-free) paper.

In view of this teaching of Tyler, it would have been obvious to one of ordinary skill in the art to make an acid-free hinge strip because neutrality in paper is the most important factor in paper permanence as taught by Tyler in column 1 line 50.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec

Julie E. Culler
Primary Examiner